

ESTTA Tracking number: **ESTTA448822**

Filing date: **12/29/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91198718
Party	Plaintiff William Quigley
Correspondence Address	ZACHARY D MESSA RUPPEL & BURNS LLP POST OFFICE BOX 1100 TAMPA, FL 33601-1100 UNITED STATES zacharym@jpfirm.com
Submission	Other Motions/Papers
Filer's Name	Cheryl Fakhry
Filer's e-mail	cfakhry@mayerbrown.com
Signature	/Cheryl Fakhry/
Date	12/29/2011
Attachments	Initial Disclosures for Consolidation.pdf (6 pages)(155609 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

William Quigley,)	
)	
Opposer,)	
)	
v.)	
)	
John Theofilos,	)	Opposition No. 91198718
	)	Parent Case for Consolidated Opposition
Applicant.	)	Trademark: IF IT DOESN'T EXCITE
	)	YOU. WHY BOTHER?
	)	Serial No. 85079245

and

William Quigley,)	
)	
Opposer,)	
)	
v.)	
)	
T-Squad LLC,	)	Opposition No. 91201092
	)	Trademark: SKRAPPER IF IT
Applicant.	)	DOESN'T EXCITE YOU. WHY
	)	BOTHER.
	)	Serial No. 85098974

OPPOSER'S RULE 26(a)(1) INITIAL DISCLOSURES

Opposer, William Quigley, respectfully submits the following initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure. These disclosures are based on an initial inquiry and investigation by Opposer and are based on information reasonably and currently available to Opposer. Opposer reserves the right to supplement these initial disclosures as discovery in this consolidated opposition progresses.

1. Rule 26 (a)(1)(A)(i) Initial Disclosures: Identification of Individuals

The individuals listed below are likely to have discoverable information that Opposer may use to support its claims or defenses:

INDIVIDUALS	SUBJECT MATTER
Name: William Quigley Address: 453 Broome Street, Apartment 5A New York, NY 10013	Mr. Quigley may have information regarding the origin of the < IF IT DOESN'T EXCITE YOU. WHY BOTHER? > and < SKRAPPER IF IT DOESN'T EXCITE YOU. WHY BOTHER. > marks and his prior rights to both marks.
Name: John Theofilos Address: 7373 Rowlett Park Dr. Tampa, FL 33610-1141	Mr. Theofilos may have information regarding William Quigley's prior rights to the < IF IT DOESN'T EXCITE YOU. WHY BOTHER? > and < SKRAPPER IF IT DOESN'T EXCITE YOU. WHY BOTHER. > marks. He may also have information concerning any confusion of the opposed marks with William Quigley's marks.
Name: Elizabeth Theofilos Address: 1305 N Florida Ave. Tampa, FL 33602	Mrs. Theofilos may have information regarding William Quigley's prior rights to the opposed marks and any confusion the opposed marks create with his marks.
Name: Katherine Theofilos Address: 7373 Rowlett Park Dr. Tampa, FL 33610-1141	Ms. Theofilos may have information regarding William Quigley's prior rights to the opposed marks and any confusion the opposed marks create with his marks.

The fact that persons are identified herein shall not constitute a waiver of any privileged communication to which such person(s) was a party. Opposer's investigation concerning this case is continuing, and Opposer reserves the right to supplement this list of individuals likely to

have discoverable information based on information developed in the course of this lawsuit through discovery or additional factual investigation.

2. Rule 26 (a)(1)(A)(ii) Initial Disclosures: Identification of Documents

The following is a description by category and location of all documents, electronically stored information, and tangible things that are in the possession, custody or control of Opposer (or others whom Opposer believes may have possession, custody or control of such documents) and that Opposer may use to support its claims or defenses, unless solely for impeachment:

1. Documents related to the prior use of the marks < IF IT DOESN'T EXCITE YOU. WHY BOTHER? > and < SKRAPPER IF IT DOESN'T EXCITE YOU. WHY BOTHER. > and incorporation of these marks into the brand and artwork of William Quigley.

2. Documents related to correspondence between William Quigley and John Theofilos, Katherine Theofilos, Liz Theofilos, and any other employees of T-Squad LLC regarding the < IF IT DOESN'T EXCITE YOU. WHY BOTHER? > and < SKRAPPER IF IT DOESN'T EXCITE YOU. WHY BOTHER. > marks.

Opposer makes this disclosure without any admission as to the relevance, discoverability, or admissibility of any document listed herein. Likewise, Opposer makes this disclosure without a waiver of its right to withhold the production of any documents or information on the basis of any claim of privilege or other immunity or protection. Opposer's investigation concerning this case is continuing, and Opposer reserves the right to produce and rely upon further documents and things in support of its claims as such further documents and things are discovered.

3. Rule 26 (a)(1)(A)(iii) Initial Disclosures: Computation of Damages

Opposer has not asserted any claim for damages, although Opposer reserves the right to do so.

4. Rule 26 (a)(1)(A)(iv) Initial Disclosures: Insurance

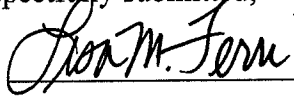
Opposer is not aware of any applicable insurance agreements.

Certification

Pursuant to Fed. R. Civ. P. 26(g)(1), the undersigned hereby certifies that, to the best of her knowledge, information, and belief formed after a reasonable inquiry under the circumstances, the disclosure is complete and correct as of the time it is made.

Date: December 30, 2011

Respectfully submitted,

By: _____

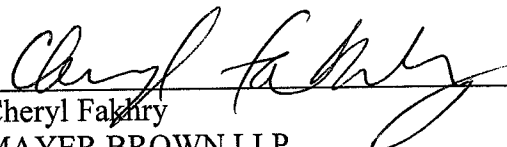
Lisa M. Ferri
MAYER BROWN LLP
1675 Broadway
New York, New York 10019
Tel.: (212) 506-2340
LFerri@mayerbrown.com

Attorney for Opposer, William Quigley

CERTIFICATE OF SERVICE

I, Cheryl Fakhry, hereby certify that I caused a copy of the foregoing OPPOSER'S RULE 26(a)(1) INITIAL DISCLOSURES to be served upon the following persons by placing the same in the U.S. Mail before the hour of 5:00 p.m. on December 30, 2011:

Zachary D. Messa
Johnson, Pope, Bokor, Ruppel & Burns LLP
Post Office Box 1100
Tampa, Florida 33610-1100


Cheryl Fakhry
MAYER BROWN LLP
1675 Broadway
New York, New York 10019
Tel.: (212) 506-2748
CFakhry@mayerbrown.com